

Bodager has only one image and the rejection does not appear to dispute this fact. Bodager has, by its own terms, only one image because it has only one image receiving layer. That is the top or ink receiving layer. With Bodager, any second or subsequent image applied to the single image receiver would merge into the first image. The overlapping portion of the two or more images would be a mixture of all the images. Each image would lose, in whole or in part, its own uniqueness.

In contrast, the invention has two image receiving layers, one disposed over the other. Each of the receiving layers holds its own image. Claim 1 provides that the information receiving layer contains "recorded information" which is an image, including graphic or textual matter. The claim further provides that the superior clear hydrophilic layer receives a "water-based colorant image." Claim 2 has similar limitations. Thus, the claims have two image limitations: a "recorded information" limitation and a "water-based colorant image" limitation. The reference has only one image receiver. The differences are clear and the invention is patentable over the art of record.

The rejection contains other errors. It announces an unsupported interpretation of elements in the claim. In paragraph 1 of the office action the rejection interprets the phrase "recorded information" to mean any stored data, or any discontinuous coating which alters the optical property of the medium. No support is given (and none can be given) for such an unusual interpretation. The rejection fails to identify any reference that supports such an unusual interpretation of the "recorded information" limitation. Absent support in a reference, it is arbitrary and capricious to equate "recorded information" to a water absorbing layer. If one take the rejection to its illogical conclusion, then a wet sponge is "recorded information."

Bodager's water absorbing layer removes the water and ink components, it does not record information. Water is transparent and the reference is silent about the nature of the "ink components." However, in Col. 4, Lines 35-40 Bodager tells us that the ink receiving layer holds the pigment but is permeable to the ink carrier. So Bodager keeps the pigments and other colorants in the upper layer. In Col. 1, lines 20-35 the reference identifies only

polyhydric alcohol as a non-colorant component. As such, by its own terms, the only "ink components" that pass to the water absorbing layer are water and alcohol. Water has no color and no color is identified for polyhydric alcohol. The above analysis of the disclosure leads to the reasonable conclusion that Bodager has no support for finding that the water absorbing layer holds "recorded information." In sharp contrast, the water receiving layer merely holds the waste products of the printing operation performed on the top layer.

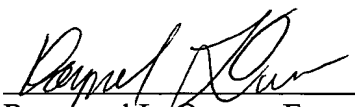
Even if the water absorbing layer were an image receiving layer, it still fails to meet the claims. Both claims call for the hydrophilic layer (water absorbing) to be the top or second image receiving layer. In Bodager, the hydrophilic layer is the second, or lower layer. In the claims another layer is between the support and the hydrophilic layer. In Bodager, the hydrophilic layer is on the support layer and there is no intervening layer.

Bodager's water absorbing layer is below the ink receiving layer. As a consequence, alterations that might occur in the inferior water receiving layer are obscured by the superior ink receiving layer. There is no disclosure that the lower, water absorbing layer has an image or that its optical properties are altered in a perceivable manner. Its primary function is to absorb water. No image receiving function is shown or suggested.

Bodager does not suggest the invention but rather teaches away from it. The end product of Bodager is the ink receiving layer 4 carried on a second support layer 5. The original support layer 1 and the water absorbing layer 2 are discarded.

In summary, the claimed invention is clearly distinguished from the art of record. A notice of allowance is solicited.

Respectfully submitted,


Raymond L. Owens, Esq.
Reg. No. 22,363

Telephone: 716-477-4653
Facsimile: 716-477-4646